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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. | | |
|-----------------------|------------------|-------------------------|-------------------------|------------------|--|--|
| 10/603,370 | 06/25/2003 | Gerd Kellner | 16703 | 2803 | | |
| 23389 7 | 7590 07/26/2005 | | EXAM | EXAMINER | | |
| | OTT MURPHY & PRI | HAYES, | HAYES, BRET C | | | |
| SUITE 300 | CITY PLAZA | ART UNIT | PAPER NUMBER | | | |
| GARDEN CITY, NY 11530 | | | 3644 | | | |
| | | DATE MAILED: 07/26/2009 | DATE MAILED: 07/26/2005 | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

| Application No. | Applicant(s) | | |
|-----------------|---------------|--|--|
| 10/603,370 | KELLNER, GERD | | |
| Examiner | Art Unit | | |
| Bret C. Hayes | 3644 | | |

| Delote the filling of an Appear Dilot | Examiner | Art Unit | | | |
|--|---|---|---|--|--|
| | Bret C. Hayes | 3644 | | | |
| The MAILING DATE of this communication appe | ears on the cover sheet with the c | orrespondence add | ress | | |
| THE REPLY FILED 08 July 2005 FAILS TO PLACE THIS APP | LICATION IN CONDITION FOR AL | LOWANCE. | | | |
| 1. The reply was filed after a final rejection, but prior to or or this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a Not a Request for Continued Examination (RCE) in compliant time periods: | n the same day as filing a Notice of wing replies: (1) an amendment, aff otice of Appeal (with appeal fee) in o ce with 37 CFR 1.114. The reply mo | Appeal. To avoid aba idavit, or other evider compliance with 37 C | nce, which FR 41.31; or (3) | | |
| a) | Advisory Action, or (2) the date set forth | | | | |
| Examiner Note: If box 1 is checked, check either box (a) or TWO MONTHS OF THE FINAL REJECTION. See MPEP 7 | (b). ONLY CHECK BOX (b) WHEN THE | | | | |
| Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of exunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office late may reduce any earned patent term adjustment. See 37 CFR 1.704(b NOTICE OF APPEAL | stension and the corresponding amount shortened statutory period for reply orig r than three months after the mailing da | of the fee. The approprinally set in the final Offi | iate extension fee ice action; or (2) as | | |
| The Notice of Appeal was filed on A brief in complicing the Notice of Appeal (37 CFR 41.37(a)), or any external a Notice of Appeal has been filed, any reply must be filed. | ension thereof (37 CFR 41.37(e)), to | avoid dismissal of th | | | |
| AMENDMENTS | William the time period set forth in t | 77 Of 11 41.07 (a). | | | |
| 3. The proposed amendment(s) filed after a final rejection, | but prior to the date of filing a brief | , will <u>not</u> be entered b | ecause | | |
| (a) \boxtimes They raise new issues that would require further co | nsideration and/or search (see NO | | | | |
| (b) They raise the issue of new matter (see NOTE below | • • | | | | |
| (c) They are not deemed to place the application in be appeal; and/or | tter form for appeal by materially re | ducing or simplifying | the issues for | | |
| (d) They present additional claims without canceling a | corresponding number of finally rej | ected claims. | | | |
| NOTE: See Continuation Sheet. (See 37 CFR 1.1 | 16 and 41.33(a)). | | | | |
| 4. The amendments are not in compliance with 37 CFR 1.1 | | mpliant Amendment | (PTOL-324). | | |
| 5. Applicant's reply has overcome the following rejection(s) | | | | | |
| Newly proposed or amended claim(s) would be a non-allowable claim(s). | | | _ | | |
| 7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is pro The status of the claim(s) is (or will be) as follows: Claim(s) allowed: | | ll be entered and an o | explanation of | | |
| Claim(s) objected to: Claim(s) rejected: <u>1-55</u> . | | | | | |
| Claim(s) withdrawn from consideration: | | | | | |
| AFFIDAVIT OR OTHER EVIDENCE | | | | | |
| The affidavit or other evidence filed after a final action, be because applicant failed to provide a showing of good an was not earlier presented. See 37 CFR 1.116(e). | at before or on the date of filing a N and sufficient reasons why the affida | otice of Appeal will <u>no</u> vit or other evidence i | ot be entered s necessary and | | |
| 9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to showing a good and sufficient reasons why it is necessar | overcome all rejections under appe | al and/or appellant fa | ils to provide a | | |
| 10. The affidavit or other evidence is entered. An explanation | | | | | |
| REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered by | it does NOT place the application in | n condition for allowa | nce hecause: | | |
| | | | ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, | | |
| 12. ☐ Note the attached Information Disclosure Statement(s).13. ☐ Other: | (PTO/SB/08 or PTO-1449) Paper N | lo(s) | | | |
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| | 7 | ERI PHAM LUU | | | |
| • | | SUPERVISORY | | | |
| | PR | IMARY EXAMINER | , | | |
| | | | | | |



Continuation Sheet (PTO-303)

Application No. 10/603,370

Continuation of 3. NOTE: the amendment raises the new issue of 'terminal-balistically operative' elements.